

Remarks

Claims 1-33 and 37 are pending in the subject application. Applicants gratefully acknowledge the Examiner's indication that claims 22-24 are objected to but would be allowable if rewritten into independent form to include the limitations of any base and intervening claims. By this Amendment, Applicants have canceled claims 1-8, 24, 33, and 37, added new claims 51 and 52, and amended claim 9 (to incorporate the limitations of claim 24). Support for the amendments can be found throughout the subject specification and in the claims as originally filed. Entry and consideration of the amendments presented herein is respectfully requested. Accordingly, claims 9-23, 25-32, 51, and 52 are currently before the Examiner. Favorable consideration of the pending claims is respectfully requested.

As an initial matter, Applicants gratefully acknowledge the Examiner's withdrawal of the rejection under 35 U.S.C. §112, second paragraph.

Claims 1-8 remain rejected under 35 U.S.C. §102(b) as anticipated by Corbett *et al.* (U.S. Patent No. 5,270,183). Applicants respectfully assert that the claimed invention is not anticipated over the cited reference. However, by this Amendment, Applicants have canceled claims 1-8. Thus, this rejection is moot. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §102(b) is respectfully requested.

Claims 9-21 and 25-32 remain rejected under 35 U.S.C. §102(e) as anticipated by Taylor *et al.* (U.S. Patent No. 6,375,817). It is respectfully submitted that the reference fails to anticipate the claimed invention. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §102(e) is respectfully requested.

It should be understood that the amendments presented herein have been made solely to expedite prosecution of the subject application to completion and should not be construed as an indication of Applicants' agreement with or acquiescence in the Examiner's position. Applicants expressly reserve the right to pursue the invention(s) disclosed in the subject application, including any subject matter canceled or not pursued during prosecution of the subject application, in a related application.

In view of the foregoing remarks and amendments to the claims, Applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

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Docket No. G-069US02CIP  
Serial No. 09/772,280

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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Attachment: Marked-Up Version of Amended Claim

Docket No. G-069US02CIP  
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Marked-Up Version of Amended Claim

Claim 9 (twice amended):

A method for carrying out a chemical or biochemical protocol comprising:

depositing liquid sample volumes into a plurality of sample receiving regions on at least one mobile sample transport member; and

moving the sample transport member along a pathway such that said sample receiving regions move through at least one temperature regulated zone upon which a thermal transfer member acts, wherein said thermal transport member cycles between at least two temperatures while said sample receiving regions are moving through said at least one temperature regulated zone; and

wherein the protocol is carried out in an atmosphere sufficiently humid to reduce or prevent evaporation of the liquid sample volumes.